**THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HONOURABLE MR JUSTICE BILAL NAZKI**

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**WRIT PETITION N0.24181 of 1995**

Between:

Yerraswamii Ramakrishna Reddy, S/o. Y.Anna Reddy,
R/o. Noothanakalava Village, Talupula Mandal,
Anantapur District.

**..... PETITIONER**

AND

1. The Dist.Collector,
   Anantapur District.
2. The Mandal Revenue Officer,
   Talupula (M), Anantapur Dist.
3. The Managing Director,

Kadiri East Rural Electric Co-op. Society Ltd,
   Kadiri Anantapur District.
4. Smt. N.Jayalakshmamma W/o. B.Jyothi Prasad Reddy
   r/o. Palavandlapalli H/o. Bandlapalli,
   Noothanakalva (P), Talupula (M), Anantapur Dist.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the proceedings of the 2nd respondent in R.C.No.599/95/A1 dt: 19/10/1995 and 17/10/1995 as illegal and without jurisdiction.

**Counsel for the Petitioner: MR.O.MANOHER REDDY**

**Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE**

**Counsel for the Respondent No.3: ----------**

**Counsel for the Respondent No.4: MR.A.PRABHAKAR SARMA**

**The Court made the following:**

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ORDER:

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Heard learned Counsel for the parties.

The grievance of the petitioner is that the second respondent has directed the Managing Director, Kadiri East Rural Electric Cooperative Society Limited not to sanction electrical service connection for the bore-well of the petitioner. This notice to the Managing Director was given on the ground that the petitioner had not appeared before the Mandal Revenue Officer, before whom a complaint had been lodged against the petitioner that he has dug a bore-well in violation of certain rules.

The learned counsel for the petitioner submits that there are no rules, which warranted non-digging of bore-well by the petitioner. Although in the Counter affidavit filed by the fourth respondent, it has been stated that within a radius of 200 feet, there should not be two bore-wells and one bore-well was already in existence and therefore the petitioner should not dig another, the learned Counsel for the fourth respondent has not been able to show me any Rules. In these circumstances, the letter written by the Mandal Revenue Officer to the Managing Director cannot sustain. Therefore, it is directed that the respondents could not act upon this letter, which is accordingly quashed.

However, before this letter, a notice has been sent to the petitioner by the Mandal Revenue Officer to explain the circumstances in which he had dug the bore-well. If the Mandal Revenue Officer still feels that there is any law, which has been violated, he may issue a fresh notice to the petitioner to appear before him and in case petitioner receives fresh notice he shall appear before the Mandal Revenue Officer, who may pass the order thereafter in accordance with law.

The writ petition is accordingly disposed of. No costs.

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Date: AUGUST 26, 2004. **BILAL NAZKI, J**

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector,
   Krishna, Machilipatnam.
2. The Mandal Revenue Officer,
   Ghantasala Mandal, Krishna Dist.

3. Two CD copies.

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